

**REMARKS/ARGUMENTS**

The Examiner rejected claims 1-5 and 26-100 under 35 U.S.C. 103(a) as being allegedly obvious over Arlein in view of Alumbaugh. Claims 1, 33, 48, 60, 72, 79, 86 and 94 have been amended to improve their form.

The claimed invention is directed to a technique for communication of information to a mobile device. In accordance with the invention, profiles of a mobile device user are established, which are, e.g., a personal profile, business profile, vacation profile, etc. A user may utilize the device to send a request for information, which may include data indicative of a selected profile of the user and a location of the device determined by the device (e.g., GPS data). Based on the received data, a server collects the requested information from different sources, e.g., Internet sources. The requested information is then provided to the device, which includes information concerning at least one product or service provider (e.g., a restaurant, a gas station, etc.), selected in a vicinity of the location of the device and in accordance with the selected profile. In addition, data is provided for the device to indicate to the user the location of the product or service provider relative to (e.g., its distance and direction from) the location of the device. *See* page 9, line 11 *et seq.*; page 14, line 12 *et seq.* of the specification; and Figs. 4, 5 and 10.

In accordance with an aspect of the invention, the data provided for the device also indicates to the user a first product or service provider which satisfies the selected profile and a second product or service provider which does not satisfy the selected profile. *See* page 14, line 12 *et seq.* of the specification; Fig. 10. In accordance with another aspect of the invention, the requested information is formatted for the device to show a list of product and service providers, which is sortable on their direction (e.g., north, east, south, west, etc.) and distance from the location of the device. *See Id.* In accordance with still another aspect of the invention, the requested information also includes an operating status of a product or service provider, an indication of whether the product or service provider is open for business. *See Id.*

Appln No. 09/910,510  
Amdt date February 12, 2008  
Reply to Office action of November 15, 2007

A. **The Examiner's Combination of Arlein and Alumbaugh is Improper**

In the Office action, the Examiner admitted that Arlein fails to teach, among others, providing to a user's communication device "information concerning at least one product or service provider selected in a vicinity of the location [of the] communication device ...." Office Action, page 3. In an attempt to reconstruct applicants' claims by hindsight using a combination of Arlein and Alumbaugh, the Examiner stated the following:

It would have been obvious ... to combine the teaching of Arlein et al[.] and the system which utilizes the GPS coordinates of a present location to coordinate the provision of entertainment information (See col. 1, lines 37-39) taught by Alumbaugh to achieve the predictable result of providing requested information to the communication device wherein the requested information including information concerning at least one product or service provider selected in a vicinity of the location of the communication device ....

*Id.* at page 4. Since according to the Examiner, Arlein "teaches a method for use in a server ...." which is separate and distinct from the communication device (Office action, page 3), "the teaching of Arlein," referred to by the Examiner in the above statement, must be directed to the server which, as the Examiner suggested, should be combined with use of "the GPS coordinates of a present location" as taught by Alumbaugh. As a result, the combined teaching would be to use the GPS coordinates of the present location of the server to provide information about a "service provider selected in a vicinity of the location of the communication device ...." *Ibid.* Applicants are at a loss as to why the present location of the server, as opposed to the present location of the communication device, is relevant to providing information about a product or service provider in the vicinity of the communication device. Applicants are further puzzled by the Examiner's reasoning to combine the teachings of Arlein and Alumbaugh, which is "to achieve the predictable result of providing requested information to the communication device ...." *Ibid.* Such reasoning is fallacious since if the result of the information request is predictable, why would a person request the information in the first place, which should already have been predicted by that person?

**Appln No. 09/910,510**  
**Amdt date February 12, 2008**  
**Reply to Office action of November 15, 2007**

In view of the foregoing, because the Examiner fails to provide sufficient reason for combining the teachings of Arlein and Alumbaugh, and the Examiner's attempt to reconstruct applicants' claims by hindsight is improper, the Examiner's rejections of the pending claims based on a combination of Arlein and Alumbaugh should be withdrawn.

**B. Even Assuming, *Arguendo*, that Combination of Arlein and Alumbaugh is Proper, it Still Does not Produce the Claimed Invention**

**1. Claims 1 and 33, and dependent claims 2-5, 26-32 and 34-47**

Arlein discloses a technique for a merchant's web server providing a user web-browsing experience based on a persona selected by a user. In the Office Action, the Examiner admitted that Arlein "fails to teach receiving[, through a communications network,] data indicative of a selected profile and a location of the communication device determined by the communication device," as claims 1 and 33 recite. Office Action, page 3. As such, Arlein must necessarily fail to teach "collecting requested information from one or more sources based on the received data," as amended claims 1 and 33 further recite. Emphasis added. The Examiner also admitted that Arlein fails to teach "the requested information includ[e] information concerning at least one product or service provider, selected in a vicinity of the location [of the] communication device [and] in accordance with the selected profile ....," as claims 1 and 33 also recite. *Id.*

Nevertheless, the Examiner cited Alumbaugh to attempt to fill the large gap between the Arlein disclosure and the claimed invention. Alumbaugh discloses a travel guide device which may be utilized in a vehicle. As the travel guide device enters a defined service area, cellular communications service providers within that area automatically establish a communications link to the travel guide device and transmit a local directory to the same. The local directory is then maintained in a database of the travel guide device, which comprises a directory of locations (including GPS coordinates) for such places as hotels, restaurants, medical facilities, pharmacies, etc. A user may access travel guide information using a "range" (radial distance) function provided by the travel guide device. Directory locations within the specified range are displayed

**Appln No. 09/910,510**  
**Amdt date February 12, 2008**  
**Reply to Office action of November 15, 2007**

on the device, which may be ordered by proximity, by category (restaurants, filling stations, etc.), or according to a user selected preference. *See* col. 10, lines 15-40 of Alumbaugh.

However, like Arlein, Alumbaugh fails to teach or suggest, among others, “receiving, through a communications network, … data indicative of a selected one of the profiles and a location of the communication device determined by the communication device,” as amended claims 1 and 33 recite. The Examiner asserted that “Alumbaugh teaches receiving data indicative of a location of the communication device determined by the communication device (See col. 10, lines 15-30).” Office Action, page 3. The Examiner’s assertion is simply incorrect. The Alumbaugh travel guide device includes a GPS receiver for receiving signals from the GPS satellites. Based on such signals, the Alumbaugh device itself determines its present location, and, contrary to the Examiner’s belief, does not receive data indicative of the location of the device through a communications network. Indeed, the portion of Alumbaugh cited by the Examiner (i.e., col. 10, lines 15-30) to support the Examiner’s assertion discloses receipt, by the Alumbaugh device, of data concerning directory locations of all places (e.g., hotels, restaurants, medical facilities, pharmacies, etc.) but the location of the travel guide device as alleged by the Examiner.

*A fortiori*, like Arlein, Alumbaugh fails to teach or suggest “collecting requested information from one or more sources based on the received data,” indicative of the selected profile and a location of the communication device determined by the communication device, as amended claims 1 and 33 also recite. In addition, like Arlein, Alumbaugh fails to teach or suggest providing information “concerning at least one product or service provider, selected … in accordance with the selected profile,” as claims 1 and 33 further recite. As such, claims 1 and 33, including their dependent claims, are patentable over Arlein in view of Alumbaugh.

**2. Claims 48 and 60, and dependent claims 49-59 and 61-71**

In addition to the above-discussed deficiencies of Arlein and Alumbaugh, nowhere do Arlein and Alumbaugh teach or suggest, among others, providing “information concerning at least a first product or service provider in accordance with the selected profile, wherein the first

product or service provider and at least a second product or service provider are selected in a vicinity of the location of the communication device,” as claims 48 and 60 recite. *A fortiori*, nowhere do Arlein and Alumbaugh teach or suggest “providing data for the communication device to indicate to the user that the first product or service provider satisfies the selected profile and the second product or service provider does not satisfy the selected profile,” as claims 48 and 60 also recite. As such, claims 48 and 60, together with their dependent claims, are patentable over Arlein in view of Alumbaugh.

**3. Claims 72 and 79, and dependent claims 73-78 and 80-85**

In addition to the deficiencies of Arlein and Alumbaugh similar to those discussed in Section 1 above, nowhere do Arlein and Alumbaugh teach or suggest, among others, providing “information which is formatted for the communication device to show the plurality of product or service providers on a list, wherein the list of product or service providers is sortable on their direction and distance from the location of the communication device,” as claims 72 and 79 recite. By contrast, Alumbaugh at best discloses ordering directory locations by “proximity,” i.e., distance (col. 10, lines 38-40), as opposed to direction (e.g., north, east, south, west) in addition to distance as in the claimed invention. As such, claims 72 and 70, together with their dependent claims, are patentable over Arlein in view of Alumbaugh.

**4. Claims 86 and 94, and dependent claims 87-93 and 95-100**

In addition to the deficiencies of Arlein and Alumbaugh similar to those discussed in Section 1 above, nowhere do Arlein and Alumbaugh teach or suggest, among others, providing to the communication device “information concerning at least one product or service provider, and an operating status thereof, the at least one product or service provider being selected in a vicinity of the location of the communication device and in accordance with the at least one user criterion, wherein the operating status indicates whether the at least one product or service provider is open for business,” as claims 86 and 94 recite. As such, claims 86 and 94, together with their dependent claims, are patentable over Arlein in view of Alumbaugh.

**Appln No. 09/910,510  
Amdt date February 12, 2008  
Reply to Office action of November 15, 2007**

**Conclusion**

In view of the foregoing, each of claims 1-5 and 26-100 is believed in condition for allowance. Accordingly, reconsideration of these claims is requested and allowance of the application is earnestly solicited.

Respectfully submitted,  
CHRISTIE, PARKER & HALE, LLP

By   
Daniel M. Cavanagh  
Reg. No. 41,661  
626/795-9900

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